

MICHIGAN ELECTION LAW (EXCERPT)

Act 116 of 1954

CHAPTER VIII

REPRESENTATIVE IN CONGRESS

168.131 Representative in congress; eligibility; violation of MCL 38.412a.

Sec. 131. A person shall not be a representative unless the person has attained the age of 25 years and been a citizen of the United States for 7 years, and is, when elected, an inhabitant of that state in which he or she shall be chosen, as provided in section 2 of article 1 of the United States constitution. A person who has been convicted of a violation of section 12a(1) of Act No. 370 of the Public Acts of 1941, being section 38.412a of the Michigan Compiled Laws, shall not be eligible to the office of representative in congress for a period of 20 years after conviction.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1982, Act 505, Eff. Mar. 30, 1983.

Popular name: Election Code

168.132 Candidates for representative in congress; nomination at primary.

Sec. 132. A general primary election of all political parties shall be held in every election precinct in this state on the Tuesday succeeding the first Monday in August preceding every general November election, at which time the qualified and registered electors of each political party within every congressional district shall vote for party candidates for the office of representative in congress to be filled at said election: Provided, That this section shall not apply to parties required to nominate candidates at caucuses or conventions.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.133 Representative in congress; nominating petition; signatures; form; filing.

Sec. 133. In order for the name of a person as a candidate for nomination by a political party for the office of representative in congress to appear under a particular party heading on the official primary ballot in the election precincts of a congressional district, a nominating petition shall have been signed by a number of qualified and registered electors residing in the district as determined under section 544f. If the congressional district comprises more than 1 county, the nominating petition shall be filed with the secretary of state no later than 4 p.m. of the twelfth Tuesday before the August primary. If the congressional district is within 1 county, the nominating petition shall be filed with the county clerk of that county no later than 4 p.m. of the twelfth Tuesday before the August primary. Nominating petitions shall be in the form as prescribed in section 544c.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 42, Imd. Eff. May 26, 1966;—Am. 1976, Act 3, Imd. Eff. Feb. 3, 1976;—Am. 1990, Act 7, Imd. Eff. Feb. 12, 1990;—Am. 1996, Act 583, Eff. Mar. 31, 1997;—Am. 2000, Act 491, Imd. Eff. Jan. 11, 2001.

Popular name: Election Code

168.134 Candidates for nomination; withdrawal, notice.

Sec. 134. After the filing of a nominating petition by or in behalf of a proposed candidate for representative in congress, such candidate shall not be permitted to withdraw unless a written notice of withdrawal is served on the official with whom the petition was filed or his duly authorized agent not later than 4 o'clock, eastern standard time, in the afternoon of the third day after the last day for filing such petitions.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.135 Candidates for nomination; death; selection of new candidate; ballots.

Sec. 135. When any candidate of a political party for the office of representative in congress, after having qualified as a candidate, shall die, after the last day for qualifying, leaving such party without a candidate for the office of representative in congress, a candidate to fill the vacancy thereby caused may be selected by 3 delegates elected by a majority of the precinct delegates and nominees for state representative and state senator in a state representative or state senatorial district of the candidate's political party from within the boundaries of the congressional district. In case said district comprises more than 1 county, the meeting shall be called and conducted by the chairman of the state central committee or his authorized representative; the name of the candidate so selected shall be transmitted to the county officials required by law to print and distribute ballots, and such county officials shall cause to be printed a sufficient number of gummed labels or stickers bearing the name of the candidate, which shall be distributed to the various voting precincts within their respective counties. The board of election inspectors of each such precinct shall cause 1 of such stickers

to be placed on each ballot, over the name of the candidate who has died, before such ballot is handed to the elector.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1966, Act 322, Imd. Eff. July 19, 1966.

Popular name: Election Code

168.136 Candidates for nomination; no candidate, write-in.

Sec. 136. If for any reason there is no candidate of a political party for the office of representative in congress, a blank space shall be provided on each of the official primary ballots which will afford every elector of said party an opportunity to vote for a candidate for such office by writing in the name of his or her selection or by the use of a slip or paster.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.137 Candidates for representative in congress; nomination, certification.

Sec. 137. The candidate of each political party for the office of representative in congress receiving the greatest number of votes cast for candidates for said office, as set forth in the report of the board of state canvassers, based on the returns from the various boards of county canvassers, or as determined by the board of state canvassers as the result of a recount, shall be declared the nominee of that political party for said office at the next ensuing November election. The board of state canvassers shall forthwith certify such nomination to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.138 Candidates; withdrawal after nomination.

Sec. 138. When a candidate of any political party has filed a nominating petition for such office and has been nominated for said office by said party, he shall not be permitted to withdraw unless he has removed from the state or has become physically unfit; no vacancy shall be filled by the district or county committees except for the causes and as herein specified: Provided, That this prohibition shall not be construed to prohibit the withdrawal of any candidate who has been nominated without having filed a nominating petition and whose name has been written or placed on the ballot of any political party.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.139 Candidates for representative in congress; death, withdrawal or disqualification; selection of new candidate, certification; ballots.

Sec. 139. When a candidate of a political party, after having been nominated to the office of representative in congress, shall die, withdraw as provided in this chapter, remove from the state or become disqualified for any reason, a candidate to fill such vacancy shall be chosen by a committee selected as follows: (a) If such candidate shall have been nominated from a district composed of 1 or more counties, the committee shall consist of the members of the county committees of such candidate's political party for the counties comprising such congressional district: Provided, That if a congressional district comprises 3 or more counties, each county shall be entitled to have only the chairman, the treasurer and secretary of the county committee of such political party present and voting; or (b) if such candidate shall have been nominated from a district consisting of less than 1 county, the committee shall consist of the members of the district committee of such candidate's political party for such district. Such committee shall meet at a time and place designated by the chairman of the state central committee of such political party and notice of such meeting shall be sent to all members of the county or district committee, as the case may be. The meeting shall be conducted by the secretary of the state central committee or his duly authorized agent, but said secretary or agent shall not be privileged to vote at such meeting. A majority vote of the committee members present and voting shall be necessary for the selection of a candidate. The name of the candidate so selected shall be certified immediately by the secretary of the state central committee to the secretary of state and to the board of election commissioners for each county, whose duty it is to prepare the official ballots; and said board shall cause to be printed or placed upon such ballots, in the proper place, the name of the candidate so selected and certified to fill such vacancy.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1955, Act 271, Imd. Eff. June 30, 1955.

Popular name: Election Code

168.140 Representative in congress; election.

Sec. 140. A representative in congress in each congressional district shall be elected at each general November election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.141 Representative in congress; certificate of determination by board of state canvassers.

Sec. 141. The board of state canvassers shall determine which candidate has received the greatest number of votes and shall declare such candidate to be duly elected. The said board shall forthwith make and subscribe on its statement of returns a certificate of such determination and deliver the same to the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.142 Representative in congress; certificate of election.

Sec. 142. The secretary of state shall file in his office and preserve the original statement and determination of the board of state canvassers of the result of the election and shall forthwith execute and cause to be delivered to the person thereby declared to be elected a certificate of election, certified by him under the great seal of the state.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.143 Representative in congress; term of office.

Sec. 143. The term of office of a representative in congress shall be 2 years beginning on the third day of January next following his election.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.144 Representative in congress; resignation, notice.

Sec. 144. Any person duly elected to the office of representative in congress who desires to resign shall file a written notice containing the effective date of such resignation with the governor and a copy with the secretary of state.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.145 Representative in congress; vacancy, special election.

Sec. 145. The governor shall call a special election as provided in section 633 of this act, in any congressional district of the state when the right of office of a person elected representative in congress shall cease before the commencement of the term of service for which he shall have been elected, or whenever a vacancy shall occur in the office of representative in congress after the term of service has begun for which such representative was elected.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.146 Representative in congress; vacancy, creation.

Sec. 146. The office of representative in congress shall become vacant on the happening of any of the following events before the expiration of the term of such office: The death of the incumbent; his resignation; his removal from office; the decision of a competent tribunal declaring void his election; or his refusal or neglect to take his oath of office.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.147 Representative in congress; removal from office.

Sec. 147. Any representative in congress may be removed from office as provided in section 5 of article 1 of the United States constitution.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.148 Representative in congress; votes cast at primary or general election subject to recount.

Sec. 148. The votes cast for a candidate for nomination or election to the office of representative in congress at a primary or general election shall be subject to recount as provided in chapter 33.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1978, Act 7, Imd. Eff. Feb. 7, 1978.

Popular name: Election Code

168.149 Representative in congress; recall.

Sec. 149. Persons holding the office of representatives in congress are subject to recall by the qualified and registered electors of their congressional districts as provided in chapter 36 of this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.150 Representative in congress; contested election; preservation of ballots; restraining order of circuit court.

Sec. 150. Whenever a contest for the office of congressman is in progress before the house of representatives involving the right to a seat in said house from any of the congressional districts of Michigan, and it shall be made to appear to any circuit court in the state of Michigan that there is danger that the ballot boxes used in such congressional election within the district in which said circuit court has jurisdiction will be tampered with, the seals upon said boxes destroyed or tampered with, said ballot boxes opened or the ballots therein interfered with or destroyed, such circuit court shall grant a restraining order directed to the officers having custody of the ballot boxes within such congressional district restraining them from interfering with said boxes, the seals or locks thereon, or the ballots therein, during the pendency of the taking of testimony in such contest before the house of representatives.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.150a Repealed. 1978, Act 7, Imd. Eff. Feb. 7, 1978.

Compiler's note: The repealed section pertained to notice of intent to contest election of representative in congress.

Popular name: Election Code

168.151 Contested election; application for restraining order by petition; notice, hearing.

Sec. 151. Said application shall be made by sworn petition setting up the material facts touching the election and the election contest involved. It may be heard in chambers or in open court, in the discretion of the court, and it shall be heard upon such notice as will be sufficient to give the attorney of the party not applying for the order sufficient time to reach the court in which such application is made, by the usual method of travel from his place of business to such court, plus 24 hours.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.152 Contested election; service of restraining order, notice.

Sec. 152. Service of such restraining order may be made either personally, as in the case of ordinary process of said court, or in cases of emergency such service may be made by registered or certified mail. Notice of the issuance of such restraining order may be given to the officers to whom the same is directed, by telegraph or by telephone, in advance of the actual service of said order, and after the giving of such advance notice, said officer shall be charged with the same duties with regard to the preservation of the ballot boxes and ballots as after actual service of a copy of said order.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1956, Act 190, Imd. Eff. Apr. 26, 1956.

Popular name: Election Code

168.153 Contested election; violation of restraining order, penalty.

Sec. 153. Any officer or any other person who shall violate the terms of any such restraining order shall be in contempt of court and shall, in addition to such penalty as may be imposed thereby, be liable to a fine of not less than \$50.00 nor more than \$500.00, in the discretion of the court.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.154 Contested election; intent of act.

Sec. 154. It is the intention of this act to furnish a speedy and effective remedy for the preservation of the evidence of the intention of the voters in the case of elections to the office of representative in congress and, for that purpose, the provisions of this act shall be construed as remedial.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code

168.155 Contested election; proceeding in equity, fees.

Sec. 155. The proceeding herein specified shall be in equity, and the provisions of law relative to fees to be charged as entry fees and fees for the service of papers shall govern the proceedings under this act.

History: 1954, Act 116, Eff. June 1, 1955.

Popular name: Election Code